

CHAPTER 11B-01: GENERAL PROVISIONS

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11B-01-010. Short Title.

This Title shall be known as the "Woods Cross City Residential Subdivision Ordinance" or as the "Residential Land Development Code." This Title shall also be known as Title 11B of the Revised Ordinances of Woods Cross, Utah, 1979, as amended. It may be cited and pleaded under any of the above-stated designations. Title 11B shall apply only to subdivision applications for single-family dwellings, two-family dwellings or townhomes. All other subdivision applications shall be governed by Title 11.

11B-01-020. Purpose.

The purpose of this Title, and any rules, regulations, standards and specifications hereafter adopted pursuant hereto or in conjunction herewith are:

- (a) To promote and protect public health, safety and general welfare.
- (b) To regulate future growth and development within the City in accordance with the General Plan and to promote the efficient and orderly growth of the City.
- (c) To provide procedures, specifications and standards for the physical development of subdivisions of land and construction of buildings and improvements thereon within the City including, but not limited to, the construction and installation of roads, streets, curbs, gutters, sidewalks, drainage systems, water and sewer systems, design standards for public facilities and utilities, access to public rights-of-way, dedication of land and streets, granting easements or rights-of-way and to establish fees and other charges for the authorizing of a subdivision and for the development of land and improvements thereon.
- (d) To provide for adequate light, air, and privacy, to secure safety from fire, flood and other dangers, and to prevent overcrowding of the land and undue congestion of population.
- (e) To provide for harmonious and coordinated development of the City, and to assure sites suitable for building purposes and human habitation.

11B-01-030. Interpretation.

In their interpretation and application, the provisions of this Title shall be considered as minimum requirements for the purposes set forth. Where the provisions of this Title impose greater restrictions than any statute, other regulation, ordinance or covenant, the provisions of this title shall prevail. Where the provisions of any statute, other regulation, ordinance or covenant impose greater restrictions than the

provisions of this Title, the provisions of such statute, other regulation, ordinance or covenant shall prevail.

11B-01-040. Severability.

If any section, clause or provision of this Ordinance is declared invalid for any reason by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

11B-01-050. Definitions.

Unless a contrary intention clearly appears, words used in the present tense include the future, the singular includes the plural, the term "shall" is mandatory and the term "may" is permissive. The following terms as used in this Title shall have the respective meanings hereinafter set forth.

- (a) "Administrative Land Use Authority" means: (1) the Planning Commission of Woods Cross who shall act as the approval authority for preliminary plat; and (2) the Development Review Committee who shall act as the approval authority for the final plat.
- (b) "Alley" means a public way which generally affords a secondary means of vehicular access to abutting properties and not intended for general traffic circulation.
- (c) "Appeal" means an appeal of a final decision on a subdivision application of the Development Review Committee. In the event of such an appeal, the procedure outlined in Section 130, below will be followed.
- (d) "Applicant" means the owner of land proposed to be subdivided or such owner's duly authorized agent. Any agent must have a written authorization from the owner.
- (e) "Block" means the land surrounded by streets and other rights-of-way other than an alley, or land which is designated or shown as a block on any recorded subdivision plat or official map or plat adopted by the City Council.
- (f) "Bond Agreement" means an agreement to install improvements secured by a stand-by letter of credit, or an escrow agreement with funds on deposit in a federally insured financial institution, or a cash bond deposited with the City, in an amount equal to the City Engineer's estimate. All bond agreements shall be on forms approved by the City Council wherever a bond is required pursuant to this Ordinance.
- (g) "Building" means a structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property.
- (h) "Capital Project" means an organized undertaking which provides, or is intended to provide, the City with a capital asset. "Capital Asset" is defined according to generally accepted accounting principles.
- (i) "City" means Woods Cross City.
- (j) "City Council" means the City Council of Woods Cross City.
- (k) "City Engineer" means a professional registered engineer designated by the City.
- (l) "Collector Street" See Streets.
- (m) "Community Development Department" means that department of the City authorized by the City to oversee Planning, Zoning and Building Inspection within the City.

- (n) "Community Development Director" means the person appointed by the City to perform the duties and responsibilities of Community Development Director, as defined by City ordinances and resolutions.
- (o) "Construction Plans" means the maps or drawings accompanying a preliminary or final subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the City as a condition of the approval of the final plat.
- (p) "Condominium" means property conforming to the definition set forth in Sections 56-8-3 of the *Utah Code Ann.* (1953) as amended. A condominium is also a "subdivision" subject to these regulations and the Condominium Ownership Act of the State of Utah.
- (q) "Condominium Subdivision" See Subdivision.
- (r) "Cul-de-sac" See Streets.
- (s) "Developer" means, as the case may be, (1) an applicant or applicant's agent for subdivision approval, (2) an applicant for a building permit or another permit to be issued by the City, or (3) the owner of any right, title, or interest in real property for which subdivision approval or site plan approval is sought.
- (t) "Development Review Committee" means the administrative land use authority whose purpose is to receive, review, consider the final plat, and if all requirements and standards are met, issue final plat approval. The committee is comprised of members representing the following City departments and City's fire service agency: Community Development; Engineering and Public Works; and also includes the Fire Marshall (or designee) of the South Davis Fire Service area. These individuals are to provide their respective department's/agency's expertise in the technical and policy requirements and standards regarding development applications subject to the development review provisions of this Title and other city ordinances.
- (u) "Development Standards" means the written specifications for improvements in a subdivision that will be maintained by the City after their installation by the Developer. "Development Standards" also include the current version of the Uniform Fire Code as approved by the State of Utah.
- (v) "Easement" means authorization by a property owner for the use by another, and for a specified purpose, such as utilities and irrigation ditches, of any designated part of the owner's property. An easement may be for use under, on the surface, or above the owner's property.
- (w) "Family" means one (1) person living alone or two (2) or more persons related by blood, marriage or adoption, according to the laws of the State of Utah; or a group not to exceed three (3) unrelated persons living together in a dwelling. Each unrelated person owning or operating a motor vehicle shall have a lawfully located off-street parking space; such group to be distinguished from a group occupying a boarding house, club, fraternity or hotel.
- (x) "Consolidated Fee Schedule" means the schedule, or any appendix of fees adopted periodically by resolution or ordinance of the City Council setting forth various fees charged by the City.
- (y) "Final Plat" See Plat, Final.
- (z) "Flag Lot" means a lot that has been approved by the City with access provided to the bulk of the lot by means of a narrow corridor.
- (aa) "Flood, One Hundred Year" means a flood having a one percent (1%) chance of being equaled or exceeded in any given year.

- (bb) "Flood, Ten Year" means a flood having a ten percent (10%) chance of being equaled or exceeded in any given year.
- (cc) "Flood Plain, One Hundred Year" means that area adjacent to a drainage channel which may be inundated by a one hundred (100) year flood as designated on the most recent Flood Insurance Rate Map prepared by the Federal Emergency Management Agency.
- (dd) "Freeway" See Streets.
- (ee) "Frontage" means the length of any one property line of a lot or parcel, which property line shall abut an improved public street, but shall not include that length of any property line of a lot or parcel which abuts the end of a dead-end street or stubbed street right-of-way.
- (ff) "General Plan" means the comprehensive, long-range General Plan for proposed future development of land in the City, as provided in Chapter 9 of Title 10 of the *Utah Code Ann.*, 1953, as amended.
- (gg) "Geotechnical Report" means the compilation of information relating to; groundwater, soil, geological features and other components that affect the design and construction of structures, streets, and other infrastructure.
- (hh) "Lot" means a parcel or tract of land within a subdivision and abutting a public street, which is or may be occupied by one building and the accessory buildings or uses customarily incident thereto, including such open spaces as are arranged and designed to be used in connection with the building according to the zone within which the lot is located.
- (ii) "Lot Right-of-Way" means an easement reserved by the lot owner as a private access to serve interior lots not otherwise located on a street.
- (jj) "Master Street Plan" means that portion of the General Plan which defines the future alignments of streets and their rights-of-way, including maps or reports or both, which have been approved by the Planning Commission and City Council as provided in Chapter 9a of Title 10 of the *Utah Code Ann.*, 1953, as amended.
- (kk) "Monument" means a permanent survey marker shown on the final plat in accordance with the City Engineer's specifications and referenced to Davis County survey monuments.
- (ll) "Natural Drainage Course" means any natural watercourse which is open continuously for flow of water in a definite direction or course.
- (mm) "Owner" means the owner in fee simple of real property as shown in the records of the Davis County Recorder's Office and includes the plural as well as the singular, and may mean a natural person, firm, association, partnership, trust, private corporation, limited liability company, public or quasi-public corporation, other entities authorized by the State of Utah, or any combination of any of the foregoing.
- (nn) "Parcel of Land" means a contiguous quantity of land, in the possession of, or owned by, or recorded as the property of, the same owner.
- (oo) "Park Strip" means the strip of land located within the public right of way between the sidewalk and the curb and gutter.
- (pp) "Person" means individuals, bodies politic, corporations, partnerships, associations, trusts, companies and other legal entities.

(qq)“Planned Unit Development” means development designed pursuant to Chapter 16 of Title 12 of the Revised Ordinances of Woods Cross, Utah, 1979 and Chapter 11-15 of this Title and means an integrated design for development of residential, commercial, or industrial uses, or combination of such uses, in which one or more of the regulations, other than use regulations, of the Zone in which the development is to be situated, is waived or varied to allow flexibility and initiative in site design and building design and location in accordance with an approved plan and the general requirements specified in this Title. A planned unit development may be: (1) the development of compatible land uses arranged in such a way as to provide desirable living environments that may include private and common open spaces for recreation, circulation and/or aesthetic uses; (2) the conservation or development of desirable amenities not otherwise possible under the otherwise applicable development standards; and (3) the creation of areas for multiple use that are of benefit to the neighborhood.

(rr) “Planning Commission” means the Woods Cross City Planning Commission.

(ss)“Plat” means a map or depiction of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets, and alleys or other divisions and dedications.

(tt) “Plat, Final or Final Plat” means a map of a subdivision, required of all subdivisions, which is prepared so that streets, alleys, blocks, lots and other divisions thereof can be identified; such plat being in conformity with the ordinances of the City and Title 10, Chapter 9a, Part 6 of the *Utah Code Ann.*, 1953, as amended.

(uu)“Plat, Preliminary or Preliminary Plat” means the initial formal plat of a proposed land division or subdivision showing all information and features required by the provisions of this Title.

(vv)“Protection Strip” means a strip of land bordering a subdivision, or a street within a subdivision, which serves to bar access of adjacent property owners to required public improvements installed within the subdivision until such time as the adjacent owners share in the cost of such improvements. A protection strip is not permitted at the end of a dedicated public right-of-way.

(ww)“Public Improvements” means streets, curb, gutter, sidewalk, water and sewer lines, storm sewers, subsurface drains, and other similar facilities which are required to be dedicated to the City or other public entities in connection with subdivision, conditional use, or site plan approval.

(xx)“Public Way” means any road, street, alley, lane, court, place, viaduct, tunnel, culvert or bridge laid out or erected as such by the public, or dedicated or abandoned to the public, or made such in any action by the subdivision of real property, and includes the entire area within the right-of-way.

(yy)“Review Cycle” There shall be no more than four (4) total review cycles. A single review cycle shall be considered complete when:

- Complete Application is submitted to the Administrative Land Use Authority;
- The Administrative Land Use Authority Review is complete;
- The Applicant Response to Review is complete; and
- The Administrative Land Use Authority provides a written statement to the Applicant stating completion of the review cycle and next required steps for approval.

Review Cycle, Exceptions.

- Additional Review Cycle(s). May be required when a modification or correction is necessary to protect public health and safety or to enforce state or federal law when a change or correction is necessitated by the Applicant’s adjustment to a plan set or an update to a phase plan that adjusts infrastructure needed for the specific development.

- Additional Time for Review. If the Applicant does not submit a revised plan within twenty (20) business days after the Administrative Land Use Authority requires a modification or correction, the Administrative Land Use Authority shall have an additional twenty (20) business days to respond.
- Other Land Use Applications. The Review Cycle as defined in this Title applies only to single- family, two family and townhome, subdivision land use applications.

(zz) “Secondary Water System” means any system which is designed and intended to provide, transport and store water used for watering crops, lawns, shrubberies, flowers and other non-culinary uses.

(aaa) “Sidewalk” means a passageway for pedestrians, excluding motor vehicles.

(bbb) “Street” means a thoroughfare which has been dedicated to the City and accepted by the City Council, which the City has acquired by prescriptive right, deed or by dedication, or a thoroughfare which has been abandoned or made public by use and which affords access to abutting property, including highways, roads, lanes, avenues and boulevards.

(ccc) “Street, Freeway” means a street with fully controlled access designed to link major destination points. A freeway is designed for high-speed traffic with a minimum of four travel lanes.

(ddd) “Street, Major Arterial” means a street, existing or proposed, which serves or is intended to serve as a major traffic way and is designated in the Master Street Plan as a controlled-access highway, major street parkway, or other equivalent term to identify those streets comprising the basic structure of the street plan.

(eee) “Street, Minor Arterial” means a similar street to major arterial, but considered to be of slightly less significance because of lower anticipated volume, narrower width, or service to a smaller geographic area.

(fff) “Street, Collector” means a street, existing or proposed, which is the main means of access to the arterial street system.

(ggg) “Street, Local” means a minor street which provides access to abutting properties and protection from through traffic.

(hhh) “Street, Private” means a thoroughfare within a subdivision which has been reserved by dedication unto the developer or lot owners to be used as a private access to serve the lots platted within the subdivision and complying with the adopted street cross section standards of the City and maintained by the developer or other private agency.

(iii) “Street, Cul-de-Sac” means a minor terminal street provided with a turn-around.

(jjj) “Subdivision” means any land that is divided, re-subdivided or proposed to be divided into two or more residential lots, parcels, sites, units, plots or other division of land for the purpose, whether immediate or future, of offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms and conditions. "Subdivision" includes (a) the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat or other recorded instrument; and (b) divisions of land for all residential uses. "Subdivision" does not include parcels which do not meet the minimum area and/or frontage requirements of the City's Zoning Ordinance and are solely acquired as additions to existing lots or parcels. No building permits for any main structure shall be issued by the City on such "addition" parcels because of their non-compliance with the ordinances of the City.

(kkk) "Utilities" means culinary water lines, pressure and gravity irrigation lines, sanitary and storm sewer lines, sub-drains, electric power, natural gas, cable television and telecommunication transmission lines, including underground conduits and junction boxes.

(lll) "Water and Sewer Improvement Districts" means the water and sewer improvement districts that have jurisdiction over the land proposed for a subdivision.

(mmm) "Zoning Ordinance" means the City's Planning and Zoning Ordinance as presently adopted and as amended hereafter by the City Council.

11B-01-060. General Considerations.

(a) The General Plan shall guide the use and future development of all land within the corporate boundaries of the City. The size and design of lots, the nature of utilities, the design and improvement of streets, the type and intensity of land use, and the provisions for any facilities in any subdivision shall conform to the land uses shown and the standards established in the General Plan, the Zoning Ordinance, and other applicable ordinances.

(b) Trees, native land cover, natural watercourses, and topography shall be preserved where possible. Subdivisions shall be so designed as to prevent excessive grading and scarring of the landscape in conformance with the Zoning Ordinance. The design of new subdivisions shall consider, and relate to existing street widths, alignments and names.

(c) Community facilities, such as parks, recreation areas, and transportation facilities shall be provided in the subdivision in accordance with General Plan standards, this Title, and other applicable ordinances. This Title establishes procedures for the referral of information on proposed subdivisions to interested boards, bureaus, and other governmental agencies and utility companies, both private and public, so that the extension of community facilities and utilities may be accomplished in an orderly manner, coordinated with the development of a subdivision. In order to facilitate the acquisition of land areas required to implement this policy, the developer may be required to dedicate, grant easements over, or otherwise reserve land for: schools, parks, playgrounds, public ways, utility easements, and other public purposes.

11B-01-070. General Responsibilities.

(a) The developer shall prepare plats consistent with the standards contained herein and shall pay for the design, construction and inspection of the required public improvements. The City shall process and review said plans and plats in accordance with the regulations set forth herein. The developer shall not alter the terrain or remove any vegetation from the proposed subdivision site or engage in any site development until developer has obtained the necessary approvals as outlined herein.

(b) The City Community Development Director shall review the plans and plats for design; for conformity to the General Plan and to the Zoning Ordinance; for the environmental quality of the subdivision design; for compliance with this Chapter; and shall process the subdivision plats and reports as provided for in this Title.

(c) Plats and/or plans of proposed subdivisions may be referred by the Community Development Director to any City departments and districts, governmental boards, bureaus, utility companies, and other agencies which will provide public and private facilities and services to the subdivision for their information and comment. The Community Development Director is responsible for coordinating any comments received from public and private entities and shall decide to which agencies to refer proposed subdivision plats and plans.

(d) The City Engineer shall review for compliance the engineering plans and specifications for the City required improvements for the subdivision and whether the proposed City required improvements are consistent with this Title and other applicable ordinances and shall be responsible for

inspecting the City required improvements. Street layout and overall circulation shall be coordinated with transportation planning by the City Planner.

(e) The City Public Works Department shall review and make comments on the engineering plans and specifications for the City required improvements to the City Engineer and the City Planner. The Public Works Director may assist the City Engineer in performing inspections.

(f) The Planning Commission shall act as the administrative land use authority that receives, reviews, considers and issues its approval of preliminary plat subdivisions. It is charged with making investigations, reports and recommendations on proposed subdivisions as to their conformance to the General Plan and Zoning Ordinance, and other pertinent ordinances, regulations, documents, standards and requirements. After reviewing the preliminary plat and determining that it meets all the applicable preliminary requirements and standards, the Planning Commission may approve, approve with conditions, or disapprove of the preliminary plat to the Development Review Committee.

(g) The City Attorney shall verify that the bond provided by the developer is acceptable, that the developer dedicating land for use of the public is the owner of record, that the land is free and clear of unacceptable encumbrances according to the title report(s) submitted by the developer, and may review matters of title such as easements and restrictive covenants.

11B-01-080. Compliance Required.

(a) It shall be unlawful for any person to subdivide any tract or parcel of land which is located wholly or in part in the City except in compliance with this Title. No plat of any subdivision shall be recorded until it has been submitted and approved as herein. A plat shall not be approved if such plat is in conflict with any provision or portion of the General Plan, Master Street Plan, Zoning Ordinance, this Title, or any other state law or City ordinance.

(b) Land shall not be transferred, sold, or offered for sale, nor shall a building permit be issued for a structure thereon, until a final plat of a subdivision shall have been recorded in accordance with this Title and any applicable provisions of state law, and until the improvements required in connection with the subdivision have been guaranteed as provided herein set forth. Building permits shall not be issued without written approval of all public agencies involved. No building depending on public water, sewer, energy facilities, or fire protection shall be permitted to be occupied until such facilities and services are fully provided and operational.

(c) All lots, plots or tracts of land located within a subdivision shall be subject to this Title whether the tract is owned by the developer or a subsequent purchaser, transferee, devisee, or contract purchaser of the land or any other person.

(d) A building permit shall not be issued for any lot in a subdivision until sufficient fire protection is provided, including hard surfacing of all streets to provide access for fire protection apparatus. Necessary water lines and hydrants must be installed and approved by the City in accordance with Section 11-12-050 of this Title prior to the issuance of any building permits. No permits shall be issued for any parcel which has not been properly subdivided.

11B-01-090. Complete Application; Review Cycles.

(a) Complete Application. The determination of whether an application is complete shall be made by the Director of Community Development. An application shall not be considered complete, and the first review cycle shall not begin unless and until the Applicant has submitted the following items:

- (1) A completed Preliminary Subdivision Plat Application as provided by the City.

- (2) Additional studies and information as listed on the application form and as necessary to show feasible compliance with applicable codes and regulations.
 - (3) A signed Owner-Agent Affidavit (if the Owner is being represented by another party).
 - (4) Current Davis County ownership plat depicting property proposed for subdivision and all contiguous property around land proposed to be subdivided.
 - (5) A recent Title Report covering the proposed subdivided property identifying ownership, easements of record, liens or other encumbrances and verifies payment of taxes and assessments.
 - (6) Will serve letters from all irrigation and sewer providers.
 - (7) A digital copy of the preliminary plat as outlined in the Public Works Standards.
 - (8) A digital copy of the preliminary improvement plans to include at a minimum the following:
 - i. Grading and drainage plan.
 - a. Storm Drain calculations
 - b. Low Impact Design (LID) analysis and Water Quality Report
 - ii. Utility plan.
 - (9) Payment of fees as stated in the City's current adopted Consolidated Fee Schedule
- (b) Review Cycle. There shall be no more than four (4) total review cycles. The first review cycle will be performed by the Planning Commission; the remaining review cycles will be performed by the Development Review Committee. A single review cycle shall be considered complete when:
- (1) A complete Application is submitted to the Administrative Land Use Authority;
 - (2) The Administrative Land Use Authority Review is complete;
 - (3) The Applicant Response to Review is complete; and
 - (4) The Administrative Land Use Authority provides a written statement to the Applicant stating completion of the review cycle and next required steps for approval.
- (c) Review Cycle, Exceptions.
- (1) Additional Review Cycle(s). May be required when a modification or correction is necessary to protect public health and safety or to enforce state or federal law when a change or correction is necessitated by the Applicant's adjustment to a plan set or an update to a phase plan that adjusts infrastructure needed for the specific development.
 - (2) Additional Time for Review. If the Applicant does not submit a revised plan within twenty (20) business days after the Administrative Land Use Authority requires a modification or correction, the Administrative Land Use Authority shall have an additional twenty (20) business days to respond.
 - (3) Other Land Use Applications. The Review Cycle as defined in this Title applies only to single family, two family and townhome, subdivision land use applications.

11B-01-100. Penalties.

It shall be a Class "C" misdemeanor for any person to fail to comply with the provisions of this Title. In addition to any criminal prosecution, the City may pursue any other legal remedy to ensure compliance with this Title including, but not limited to, injunctive relief.

11B-01-110. Amendments.

This Subdivision ordinance may be amended from time to time by the City Council after receiving a recommendation from the Planning Commission. All proposed changes and amendments shall be proposed by or submitted to the Planning Commission for its recommendation; which, within thirty (30) days shall be forwarded to the City Council for its consideration. Prior to forwarding a recommendation to the City Council, the Planning Commission shall hold a public hearing on the proposed amendment. At least ten (10) days' notice of the time and place of such hearing shall be published in the manner required by law. Failure of the Planning Commission to submit a recommendation within the prescribed time shall be deemed approval by the Planning Commission of the proposed change or amendment.

After receiving the Planning Commission's recommendation, the City Council shall hold a public hearing on the proposed amendment. At least ten (10) days' notice of the time and place of such hearing shall be published as required by law. After holding the hearing, the City Council may uphold, overrule, or modify the recommendation of the Planning Commission by a majority vote of its members.

11B-01-120. Variances.

Where the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas or the existence of other unusual physical conditions where strict compliance with the provisions of this Ordinance would cause an unusual and unnecessary hardship on the developer, the City Council after receiving a recommendation from the Planning Commission may vary such requirements and require such conditions as will secure, insofar as practicable, the objectives of the requirement varied. Any variance authorized shall be entered in the minutes of the City Council.

11B-01-130. Appeals.

(a) Appeals of decisions on an applicant's plat application shall be filed with the City Recorder and heard by a three-person panel comprised of one licensed engineer designated by the City, one licensed engineer designated by the land use applicant, and one licensed engineer agreed upon by the two earlier designated engineers. Unless otherwise agreed in writing, the hearing of the appeal panel shall commence within 10-business days of receiving a request from the applicant.

No panel member shall have an ownership interest in the application in question. The applicant shall pay 50% of the total cost of the panel and the City's appeal fee. The City shall pay the remaining 50%. The panel's decision is final. Any further appeal of the panel's decision must be filed with the district court within 30 days of the date of the panel's decision.

An appeal of any issue that is not related to approval of a subdivision (e.g., City standards, regulations, etc.) shall follow the procedures and requirements for appeals under Title 11.